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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JOHN R. RICONDA,

Plaintiff,

-against-

MARC SHERMAN, EDWARD L. CUMMINGS,
ROBERT W. VAN HELLEMONT, R. KEITH
ELLIOT, JOHN F. CUNNINGHAM, AND GEOFF
SMITH,

Defendants.

Civil Action No. 11-CV-01556

NOTICE OF DISMISSAL

Plaintiff John R. Riconda, by its counsel, Kelley Drye & Warren LLP, pursuant to Fed. R. Civ. P. 41(A)(1), hereby dismisses all claims against Defendant John Cunningham ("Defendant Cunningham") in this action voluntarily with prejudice. Defendant Cunningham was not served with process and accordingly has not appeared or filed papers responsive to the Complaint.

Dated: New York, New York
November 14, 2011



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